

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT PIERCE DIVISION**

**CASE NO. 24-14242-CIV-CANNON/Augustin-Birch**

**JENNIFER ANNE FOSTER,**

Plaintiff,

v.

**ACTING COMMISSIONER  
OF SOCIAL SECURITY,**

Defendant.

\_\_\_\_\_ /

**ORDER ACCEPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

**THIS CAUSE** comes before the Court upon Magistrate Judge Augustin-Birch’s Report and Recommendation (the “Report”), issued on June 16, 2025 [ECF No. 20]. The Report recommends the Court grant Plaintiff’s Motion for Summary Judgment [ECF No. 15] and remand the matter to the Social Security Commission for further proceedings. No party filed objections to the Report, and the time to do so has expired. Upon appropriate review of the unobjected-to Report, the Report [ECF No. 20] is **ACCEPTED**, and Plaintiff’s Motion for Summary Judgment [ECF No. 15] is **GRANTED**.

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To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.

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28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784.

Upon review, the Court finds no clear error of fact or law in the unobjected-to Report. Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 20] is **ACCEPTED** in accordance with this Order.
2. Plaintiff's Motion for Summary Judgment [ECF No. 15] is **GRANTED**.
3. The Commissioner's decision is **REVERSED**.
4. This matter is **REMANDED** to the Commissioner of Social Security for the ALJ to re-evaluate whether Plaintiff met Listing 5.08 of the Listing of Impairments and to conduct any further analysis as necessary in light of that re-evaluation [ECF No. 20 p. 10].

**ORDERED** in Chambers at Fort Pierce, Florida, this 2nd day of July 2025.

A handwritten signature in black ink, appearing to read 'Aileen Cannon', written over a horizontal line.

**AILEEN M. CANNON**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record  
Magistrate Judge Augustin-Birch